

**District II Advisory Board Minutes**  
**October 6, 2003**  
**[www.wichitagov.org](http://www.wichitagov.org)**

The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9<sup>th</sup> Street North.

**Members Present**

Daryl Crotts  
Sarah Devries  
Ray Frederick  
Larry Frutiger  
Tim Goodpasture  
Joe Johnson  
David Mollhagen  
Phil Ryan  
Jim Vossen  
Marty Weeks

**Members Absent**

Martha Bruce Fair  
Matt Hesse

**Staff Present**

Lt. Wanda Givens, WPD  
Donna Goltry, MAPD  
Vicki Huang, Public Works  
Scott Knebel, MAPD  
Deb Legge, OCI  
Officer Michael Lloyd, WPD  
Donte Martin, City Manager's Office  
Officer Dana McElrath, WPD  
John Schlegel, MAPD  
Roger Smith, Environmental Health  
Randy Sparkman, OCI

**ORDER OF BUSINESS**

**Call to Order**

The meeting was called to order at 7:00.

**Approval of Minutes and Agenda**

The minutes for the September 15, 2003 DAB II meeting were approved as submitted (8-0).  
The agenda for the October 6, 2003 DAB II meeting was approved as submitted (8-0).

**Public Agenda**

**1. Scheduled items**

No items submitted

**2. Off-agenda items**

No items submitted

## **STAFF PRESENTATIONS**

### **3. Community Police Report**

**Officer Mike Lloyd, Patrol East**, briefed the DAB concerning burglaries and theft occurring due to garage doors being left open. Some doors have been kicked in also allowing perpetrators access to homes.

**Lt. Wanda Givens and Officer Dana McElrath, Patrol North**, discussed beat realignment within Council District II. Patrol North now serves portions of District II that were previously served by Patrol East.

**Action Taken:** Received and filed

### **4. Overview of Neighborhood Inspection Functions**

**Randy Sparkman and Deb Legge, Office of Central Inspection**, provided information on their separate divisions and an update of actions taken to date for the year.

**Sparkman** discussed his areas of work include enforcing the codes for zoning, licensing, and signs. He also said that his staff checks establishments that serve liquor for a current license and help Police with identifying and removing graffiti.

**Legge** said that her staff enforced the housing and zoning code with the majority of their work focused on housing. She said they work with a number of other departments & staff, including Environmental Health, Police, City Manager's Office, Neighborhood Assistants, and District Advisory Boards. She reported that eleven (11) inspectors work in separate areas of the community to inspect for violations. Like Sparkman, Legge also assists with timely removal of graffiti. Her staff organizes and conducts neighborhood cleanups, approximately 80 each year. In the housing violations, the staff works with property owners to repair more than destroy in an effort to avoid condemnation. One change in the past year that has helped with identifying & addressing violation sites has been the Unified Enforcement Code for Nuisances in the neighborhoods. This initiative allows OCI, Police, and Environmental Health staff to identify all violations, regardless of which department/office enforces the code, and enter by address in a tracking system. Abatement is also a significant part of the Unified Enforcement initiative, allowing the City to abate the nuisance if not removed by the property owner in a certain number of days. The City contracts with services to abate and then charges the cost on the property owner's taxes. Neighborhood Courts held in the evenings at several sites including Neighborhood City Halls allow residents to plead their case to a judge.

**Ray Frederick** asked if complainants' identities remain anonymous after filing a complaint. Legge stated that OCI doesn't provide this information when responding to a complaint.

**Action Taken:** Received and filed

### **5. Massage Ordinance Revision**

**Roger Smith, Environmental Health**, presented information on the history of the massage ordinance and how the code has become no longer enforceable, as written, due to outdated

language, illegal or outdated requirements, and unnecessary physical testing. He said the main changes proposed for permitting include required education and insurance. Required education hours would change from 150 hours to 500 hours and the therapist or business would be required to carry liability insurance. He said that grandfathering had been proposed for those who currently practice on a license obtained with a minimum of 150 hours. If practicing therapists have no hours of education, they will have 48 months to obtain the required number of hours. Smith said the department had worked with massage therapists and the City's Law Department to develop the proposed changes to the ordinance.

Citizens in attendance expressed the following concerns: 1) the old ordinance does not require enough training or continuing education for licensure; 2) the need to grandfather existing businesses; 3) the old ordinance does not adequately address public safety issues; 4) enforcement of the new ordinance will be difficult; and 5) adopting the new ordinance will cause practitioners to incur excessive expense.

**Jim Vossen** asked if there are any state or national licensing organizations. **Smith** replied that some states do license but Kansas does not. There are no federal regulatory agencies.

**Vossen** asked who will handle enforcement and why should fees be lowered. **Smith** replied that Health, OCI, and WPD would handle enforcement. The old fees were designed to eliminate prostitution the new fee structure and ordinance changes seek to encourage professional massage services.

**Ray Frederick** stated it would be helpful to have the old ordinance when being asked to make recommendations.

**Larry Frutiger (Devries) moved the ordinance be revised as submitted. The motion passed (8-1). Jim Vossen voted against the recommendation.**

**Action Taken:** DAB II recommended adopting the proposed changes to the City Code pertaining to massage therapists.

## **6. Central Avenue Improvement, between Oliver and Woodlawn**

**Gene Rath** presented this CIP project to widen Central to five lanes with four through lanes and a center two-way left turn lane. Construction is planned for 2004. Property owners between Central to Woodlawn were notified of the proposed changes. The project is needed to improve traffic safety and increase traffic carrying capacity, which is now measured at 22,000 to 23,000 vehicles per day. The proposal is to widen Central to five lanes with four through lanes and a center two-way left turn lane. The City needs to acquire about 5 feet on the north side of Central and east of Bleckley. The estimated project cost is \$3,300,000 with \$1,000,000 paid by the City and \$2,300,000 by federal grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

**Joe Johnson** asked about the zoning south of Central in this corridor. **Knebel** replied most of the area in this corridor south of Central is zoned either general office or single family.

**David Mollhagen** asked how much right of way would the City utilize and how far back would curbs be moved. **Rath** replied right of way would be utilized and curbs would be moved 6-8ft. in some areas.

**Mollhagen** asked if any curb cuts would be lost. **Rath** replied that some might be lost. The four-plexes west of Old Manor may lose a curb cut.

**Sarah Devries (Frutiger)** moved the project be approved as submitted. The motion passed (8-1). **Mollhagen** voted against the recommendation.

**Action Taken:** DAB II recommended approving the project as submitted.

## **PLANNING AGENDA**

### **7. ZON 2003-49 & CUP 2003-45**

**Scott Knebel, MAPD** presented this request to amend to Parcel 3 of DP-194 Home Design Center CUP and a zone change for the subject property from “GO” General Office to “LC” Limited Commercial. The subject property is located at the northeast corner of 29<sup>th</sup> Street North and Penstemon and is undeveloped.

Parcel 3 is zoned “GO” General Office, the CUP permits all uses allowed in the “GO” zoning district. The applicant proposes to rezone Parcel 3 to “LC” Limited Commercial and to permit the following uses: general office; office/warehouse; professional office; furniture, carpet, lumber, plumbing, and similar furnishings; appliances, equipment, and fixture supplier outlets; light commercial uses limited to home/office supply; decorating, construction material, and design store; restaurants; and specialty retail sales. The applicant proposes no other changes to the CUP.

The CUP currently requires a 10-foot landscape buffer along 29<sup>th</sup> Street North consisting of a three-foot high berm landscaped with trees, shrubs, and grass. The CUP also requires a six- to eight-foot high masonry wall on the east property line. Building setbacks of 35-feet are required along the east property line and along Penstemon, and a 50-foot building setback is required along 29<sup>th</sup> Street North. Access to 29<sup>th</sup> Street North is limited to one opening.

In recognition of the subject property’s proximity to low-density residential uses, the zoning and uses permitted on the subject property were limited to office uses when the CUP was originally approved in order to improve compatibility of the commercial uses in the CUP with the nearby residential uses. In order to maintain compatibility while allowing additional commercial uses to encourage development of a vacant commercial property, planning staff recommends several conditions of approval pertaining to permitted uses, signage, building materials, and landscaping. Planning staff recommends approval of the applicant’s proposed uses with the exception of office/warehouse, which is not permitted by right in the requested “LC” zoning district, and drive-in or free-standing drive-thru restaurants, which generally are incompatible with low-density residential neighborhoods due to the traffic, noise, trash, and light they generate. Planning staff also recommends that the list of permitted uses use terms defined by the Unified Zoning Code rather than the proposed terms in order to assist with future implementation of the CUP. To mitigate the visual impact of signage on nearby residences, planning staff recommends that signage be permitted per the “NR” Neighborhood Retail zoning district, which permits shorter and smaller signs than the “LC” zoning district. To ensure compatibility of building design with surrounding residential areas,

planning staff recommends that buildings on the subject property be constructed of materials consistent with the residences in the area (e.g., masonry, stucco, wood, etc.). To improve the visual appearance of commercial development on the subject property, planning staff recommends that the subject property be developed with a landscaped street yard and parking lot screening along Penstemon and a landscape buffer along the east property line.

**Knebel** stood for questions from the DAB.

**David Mollhagen** asked what the signage requirements are in neighborhood retail zoning versus limited commercial. **Knebel** responded that neighborhood retail limits the size of signs to 96 sq. ft. and limits the height to 22ft. Limited commercial allows the size of signs to reach 300 sq. ft. and limits height in the range of 25-35 ft.

**Larry Frutiger** asked about the setback requirement. **Knebel** replied there is a 10-ft. buffer.

**Phil Ryan** stated he's not opposed to the project but is concerned with the signage requirements. Ryan expressed concern with the impact the signage would have on homes directly south of the site.

Citizens in attendance were given the opportunity to express their concerns. No one requested to speak.

**Phil Ryan (Frutiger)** moved to approve the request as amended to limit signs to monument type signage with a maximum height of 10ft. The motion passed (7-2). **David Mollhagen and Tim Goodpasture** opposed the motion.

**Action Taken:** DAB II voted 7-2 to recommend approval of the proposed CUP and zone change as amended.

## **8. CUP 2003-49**

**Donna Goltry**, MAPD presented this request to reconfigure the parcel boundaries and add two parcels to DP-234 Regency Lakes Commercial Community Unit Plan. This is a 63 acre tract located between 21<sup>st</sup> Street North and K-96 on the west side of Greenwich. The amendment also would increase sign heights for freestanding signs on K-96 and adjust other signage provisions, and make minor modifications to other C.U.P. general provisions.

The C.U.P. has two large parcels on the western portion of the site, Parcel 11 (15.79 acres) and Parcel 12 (18.11 acres). Ten smaller parcels range from 1.09 to 1.67 acres in size. Seven of the smaller parcels are located along Greenwich, and three are located in the interior of the site but closer to the K-96 right-of-way. Maximum building coverage and maximum gross floor area are 30 percent on all parcels; maximum building height is 35 feet throughout the C.U.P. A "proposed landscaped waterway" has been relocated from the south half of the western edge of tract to a drainage area in the center of the site. The developer proposes to use drainage areas as water features and locate them between the parcels along Greenwich and the two large parcels.

The original C.U.P. also was designed to allow development with "large-scale retail uses" serving a regional or sub-regional market on the two main parcels. However, approximately 75 percent of the C.U.P. was zoned "LI" Limited Industrial and permitted to be developed with industrial uses as an

alternative. Industrial use is no longer an emphasis for the development but is retained as a possible use.

The original C.U.P. provided separate setbacks for industrial and commercial uses. Amendment #1 collapses the setbacks to a uniform 35-foot setback along the arterial streets, the west property line, and the front setback of Parcels 7-10. Setbacks for Parcels 3, 4, and 6 along the entrance drives would be 15 feet.

Freestanding signage along Greenwich and 21<sup>st</sup> Street North is requested for 20 feet in height and 48 square feet in size except for three shopping center identification signs that would be 30 feet in height and 250 square feet in size.

The applicant has requested taller signage for three signs to a maximum height of 45 feet and size of 325 square feet along K-96. The current C.U.P. allows two 35-foot tall signs along this frontage. Staff, however, recommends that this signage be limited in height to a maximum of 20 feet above the base of the adjacent K-96 roadway.

The applicant has requested to allow up to five signs for the east elevation on buildings over 75,000 square feet in gross floor area in Parcel 12. One sign with a corporate logo only would be allowed to be up to 48 feet in height with a maximum of 150 square feet in size. Parcel 11 requests the same type of additional wall signage was for the north and east façades. This differs from the Sign Code that limits the total number of building wall signs to three per building elevation and the maximum height of building wall signs to 48 feet.

**Goltry** explained that MAPD staff recommends approval of the amendment and stood for questions from the DAB.

**George Laham** presented the proposed site plan and expressed concern with two central issues. These issues are the traffic study and signage. Mr. Laham stated his belief that paying for the traffic study would be unfair and that other developments in the area should share these costs. Mr. Laham also stated the need for increased sign heights due to varying elevations along K-96.

DAB member questions included: 1) the proposed location of signage; 2) the minimum distance required between signs; 3) if the Regency Lakes HOA was notified; and 4) the total cost of the traffic study.

Mr. Laham showed members of the DAB both the proposed sign type and the location of potential signage. Laham stated the signs are required to be 75ft. apart but he'd like to see this requirement lowered to 50ft. Mr. Laham has met with the HOA and agreed to address their concerns. The cost of the traffic study is \$15,000.

Citizens were allowed to express their concerns with the project. The need for a traffic signal was expressed. Mr. Laham stated a traffic signal would be installed near an entrance to the development once warrants were met. The applicant will pay the cost of the traffic signal.

**David Mollhagen (Frutiger)** moved the request be approved as amended. The motion passed unanimously **10-0**.

**Action Taken:** The DAB members voted 10:0 to recommend approval of the MAPD staff recommendation as amended to represent; 1) the applicant paying \$7,500 towards a traffic study; 2)

allowing signage 45 ft. in height adjacent to K-96; and 3) reducing the minimum space requirement between signs to 50 ft.

## **BOARD AGENDA**

### **9. Updates, Issues, and Reports**

No items were discussed.

The next regularly scheduled DAB II meeting will be November 3, 2003 at the Rockwell Branch Library.

**With no further business the meeting adjourned at 9:45 p.m.**

### **Guests**

Jay Anglemeyer  
Jacques Asmussen  
Carole Fortney  
George Laham  
Ted Timseh  
Sharon Treat